



ITW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Masayuki II et al.

Title: SEVERE SEPSIS PREVENTIVE THERAPEUTIC AGENT

Appl. No.: 10/510,596

International Filing Date: 4/7/2003

Filing Date:

371(c) Date: 8/17/05

Examiner: Shobha KANTAMneni

Art Unit: 1617

Conf. No.: 1802

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of any of a final action under 37 CFR §1.113, a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application. A copy of the Japanese Office Action mailed on December 1, 2009, is attached as Document C1 setting forth the portion of the listed document considered relevant by the examiner. An English-language translation of the foreign-language documents is provided.

The references cited in the Japanese Office Action are listed on page 4 of the English translation of the Office Action. Document 3 was cited in the Information Disclosure Statement filed on October 7, 2004. Counterpart patents for documents 1, 2 and 4 have been filed in previous Information Disclosure Statements as follows:

<u>Document cited in 12/1/2009 JP OA</u>	<u>Corresponding patent</u>	<u>Corresponding patent cited in IDS filed</u>
1. WO 99/46242	EP 1 063 228	10/7/2004
2. WO 01/10826	EP 1 209 149	10/7/2004
4. JP-A-2001-288080	EP 1 265 659	10/30/2009

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Although Applicants believe that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 30, 2009

By Simon J. Elliott

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4726  
Facsimile: (202) 672-5399

Simon J. Elliott  
Attorney for Applicants  
Registration No. 54,083